IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11742 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DABHOI NAGARPALIKA - Petitioner(s)

Versus

MANUBHAI MOHANBHAI MEHTA & 1 - Respondent(s)

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Appearance :

MR MI PATEL for Petitioner(s) : 1,
MR PRABHAKAR UPADYAY for Respondent(s) : 1,
DELETED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 07/10/2005

CAV JUDGMENT

1.Heard the learned advocates for the parties.

2.Having perused the material on record, it appears that

the respondent has not made any application and complied with the other requirements as per the Rules before his application for commutation can be considered. Under the circumstances, the respondent is directed to make the application and shall comply with the requirements as per the provisions of the Rules. The petitioner is directed to consider the application that may be made by the respondent for commutation of pension in accordance with law within a period of two months from the date of the receipt of the application. It is further directed that the petitioner shall deduct the amount of Rs.13054=00 from the amount of commutation pension to be paid to the respondent and when commutation takes place, the petitioner shall deduct 1/3 of pension already drawn by the respondent.

3. Under the circumstances, the judgment and order dated 19.3.1993 passed by the Presiding Officer, Labour Court, Vadodara is modified as per the aforesaid terms. This petition stands disposed of accordingly. Rule is discharged. Interim relief, if any, granted earlier stands vacated forthwith. No costs.

(Sharad D.Dave,J)

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